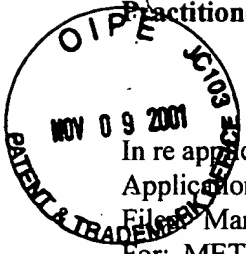


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Practitioner's Docket No. 700157/46793

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#14

In re application of: Fine et al.

Application No.: 09/269,321

Group No.: 1636

Filed: March 24, 1999

Examiner: W. Sandals

For: METHOD OF TARGETING MALIGNANT CELLS USING AN E2F RESPONSE PROMOTER

Assistant Commissioner for Patents

Washington, D.C. 20231

TRANSMITTAL OF APPEAL BRIEF (PATENT APPLICATION--37 C.F.R. SECTION 1.192)

1. Transmitted herewith, in triplicate, is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed on May 10, 2001.

NOTE: "Appellant must, within two months from the date of the notice of appeal under section 1.191 or within the time allowed for reply to the action from which the appeal was taken, if such time is later, file a brief in triplicate....." 37 C.F.R. Section 1.192(a) (emphasis added)

2. STATUS OF APPLICANT

This application is on behalf of

☐ other than a small entity.

☒ a small entity.

A statement:

☐ is attached.

☒ was already filed.

RECEIVED
JAN 11 2002
TECH CENTER 1600/2900

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office (703) ____-____.

Date: 11/9/01

Patricia W. Turner
Signature

Patricia W. Turner
(type or print name of person certifying)

3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 C.F.R. Section 1.17(c), the fee for filing the Appeal Brief is:

☒ small entity \$160.00
☐ other than a small entity \$320.00

Appeal Brief fee due \$ 160.00

4. EXTENSION OF TERM

NOTE: The time periods set forth in 37 C.F.R. 1.192(a) are subject to the provision of Section 1.136 for patent applications. 37 C.F.R. 1.191(d). See also Notice of November 5, 1985 (1060 O.G. 27).

NOTE: As the two-month period set in Section 1.192(a) for filing an appeal brief is not subject to the six-month maximum period specified in 35 U.S.C. 133, the period for filing an appeal brief may be extended up to seven months. 62 Fed. Reg. 53,131, at 53,156; 1203 O.G. 63 at 84. Oct. 10, 1997.

The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

(complete (a) or (b), as applicable)

(a) ☒ Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(5)) for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$200.00
<input type="checkbox"/> three months	\$ 920.00	\$460.00
<input checked="" type="checkbox"/> four months	\$1,440.00	\$720.00
<input type="checkbox"/> five months	\$1,960.00	\$980.00

Fee \$ 720.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for _____ months has already been secured, and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 720.00

or

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

5. TOTAL FEE DUE

The total fee due is:

Appeal brief fee \$ 160.00

Extension fee (if any) \$ 720.00

TOTAL FEE DUE \$ 880.00

6. FEE PAYMENT

☒ Attached is a check in the sum of \$ 880.00.

☐ Charge Account No. _____ the sum of \$ _____.

A duplicate of this transmittal is attached.

7. FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in resuming the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to change the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G 31-33.

☒ If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 50-0850.

AND/OR

☒ If any additional fee for claims is required, charge Account No. 50-0850.

Date: 11/9/07

Reg. No. 30,628

Tel. No.: 617.345.6054

Customer No.: 26248


SIGNATURE OF PRACTITIONER

Ronald I. Eisenstein

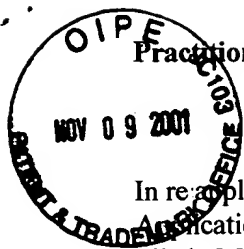
(type or print name of practitioner)

Nixon Peabody LLP

101 Federal Street

P.O. Address

Boston, MA 02110



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Assistant Commissioner for Patents
Washington, D.C. 20231

EXPRESS MAIL CERTIFICATE

"Express Mail" label number EL565098719US

Date of Deposit Nov 9, 2001

I hereby state that the following *attached* paper or fee

Transmittal of Appeal Brief (4 pp)

Original and two copies of Appeal Brief (14 pp)

Check for \$880.00

Return Receipt Postcard;

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Patricia W. Turner

Signature of person mailing paper or fee

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